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Hon. Steven Tiscione  
United States Magistrate Judge  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Roy v. Delta Air Lines, Inc.*, E.D.N.Y. No. 1:17-cv-04088-RRM-ST

Dear Judge Tiscione,

Defendant Delta Air Lines, Inc. (“Delta”) submits this letter to inform the Court that it desires to opt out of the mediation referral in the above-referenced matter. The reasons for Delta’s decision are based on the following factors: Plaintiff has permanently relocated abroad; Plaintiff is not represented by counsel in this matter and it is Delta’s understanding that Plaintiff has no present intention of retaining counsel; and the history of Delta’s negotiations with Plaintiff in this matter causes Delta to believe that mediation would be fruitless.

Very truly yours,

Gary A. Gardner

cc: Robert Roy (via e-mail and Federal Express)